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10 Attorneys for Defendant
11 APPLE COMPUTER, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH BIRDSONG, individually and as
representative of the CLASS,

Plaintiff,

vs.

APPLE COMPUTER, INC.,

Defendant.

Case No. C 06-02280 JW PVT
Judge: Hon. James Ware

**STIPULATION EXTENDING
DEFENDANT'S DEADLINE TO RESPOND
TO COMPLAINT**

IT IS HEREBY STIPULATED BY AND BETWEEN Plaintiff Joseph Birdsong, individually and as representative of the putative Class, and Defendant Apple Computer, Inc., pursuant to Fed. R. Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with the parties' prior agreements, that Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint is extended until October 24, 2006.

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1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2 I, Mark E. McKane, am the ECF user whose ID and password are being used to file this
3 STIPULATION EXTENDING DEFENDANT'S DEADLINE TO RESPOND TO COMPLAINT.
4 In compliance with General Order 45, X.B., I hereby attest that John Randall Whaley, counsel for
5 Plaintiff Joseph Birdsong, has concurred in this filing.

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7 _____
8 /s/
9 Mark E. McKane

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1 IT IS SO STIPULATED.

2 Dated: September 19, 2006 NEBLETT, BEARD, ARSENAULT

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4 By: /s/ J.R. Whaley

5 Richard Arsenault
6 John Randall Whaley

7 Attorneys for Plaintiff
8 JOSEPH BIRDSONG,
9 individually and as representative
10 of the putative CLASS

11

12 Dated: September 19, 2006 KIRKLAND & ELLIS LLP

13 By: /s/ Mark E. McKane

14 James F. Basile
15 Mark E. McKane

16 Attorneys for Defendant
17 APPLE COMPUTER, INC.